



SDMS Doc ID 2015028



The Sacramento Bee
Life. Captured daily.

Military seeks a pass on pollution Environmental laws wouldn't apply to the state's bases.

May 3, 2003

By: David Whitney

WASHINGTON--The fight to exempt the military from various environmental laws moves into the House on Tuesday, and groups ranging from environmentalists to state water districts and the National League of Cities are suiting up for battle with the Pentagon.

The relaxations from environmental regulation sought by the Defense Department extend from air and water pollution laws to the Endangered Species Act and the Marine Mammal Protection Act, which protects troubled critters that live in and around the waters and military bases where soldiers and sailors train. They also would include military contractors.

Because of their positions of power in the Republican-controlled House, California Republicans are leading the charge for the Defense Department.

But their legislation comes during a period of heightened anxiety about the environmental consequences of defense operations following reports by the Environmental Working Group that perchlorate, a rocket fuel component, was found in lettuce purchased from grocery stores in Northern California.

Perchlorate is used in rockets and munitions and is believed to have leached into the groundwater used to irrigate the lettuce fields.

Rep. Elton Gallegly, R-Simi Valley, author of key pieces of the legislation, said the relaxed regulation he is seeking should not be cause for alarm.

"Military bases across the United States, including two in my district, have stellar records on protecting the environment and endangered species," he said when introducing his legislation last week. "Under my bill, that will remain part of their mission."

Gallegly said his bill "recognizes that the primary mission of military bases is to prepare and protect the United States from our enemies now and in the future."

"We endanger ourselves if we fail to allow our bases to train our military men and women and test new weapons systems," he said.

House Democrats are bracing for a probable losing battle over relaxation of the environmental laws. They charged last week that the administration is hoping to capitalize on its high public ratings after the war in Iraq, arguing that the message of the war should be that military preparedness and training is excelling despite Defense Department worries over environmental compliance.

"The Department of Defense has spared no expense to assert that our nation's environmental laws, including the Endangered Species Act and the Marine Mammal Protection Act, are undermining training and readiness of our fighting forces," Rep. Nick Rahall of West Virginia, senior Democrat on the House Resources Committee, said Thursday. "Yet, according to the reports released by the General Accounting Office last year and this year, the Pentagon has failed miserably to provide any compelling examples to verify this allegation."

At a Senate Armed Services Committee hearing in March, heads of the four military branches outlined their case for relaxing environmental regulations.

The Air Force said it is constrained by urban buildup around its bases, and environmental regulation isn't helping. Several California installations were cited as examples.

"Potential new critical habitat designations could restrict installation or range use and development," said Gen. Robert H. Foglesong, vice chief of staff for the Air Force.

"For example, without clarification, we are facing acreage restrictions on portions of Beale Air Force Base."

Beale, east of Marysville, is the chosen home base of a new wing of unmanned Global Hawk spy planes. But base advocates are preparing nonetheless for a fight over keeping it open during the 2005 round of the Base Closure and Realignment Commission.

Adm. William J. Fallon, vice chief of staff for the Navy, cited a San Francisco lawsuit constraining deployment of a new towed sonar system to a small area of the western Pacific Ocean because it could harm whales and other marine mammals protected by federal laws.

Fallon also complained that environmental restrictions are limiting use of the Marine Corps' Camp Pendleton near San Diego for joint Navy and Marine training.

To mitigate potential disruption to birds and their nests on the beach, he said, "only 1,500 meters of the 17 miles of beach is available to practice amphibious landings and movements from the beach using the full range of Marine Corps combat vehicles."

Even within that 1,500-meter beach, there are restrictions, he added.

But relaxing environmental laws is certain to mean more pollution, more poisons seeping into groundwater and more destruction of precious wildlife and wildlife habitat, critics charge.

"Why would they want exemptions if there were not potential problems?" asked Stephen Hall, Sacramento-based executive director of the Association of California Water Agencies, worried about military exemptions from the Clean Water Act. "And if there is a problem, why shouldn't they clean it up?"

Among those raising doubts about the legislation are the National Association of Attorneys General, the Environmental Council of the States and the National League of Cities.

At their press conference Thursday, critics released a poll by Zogby International which found that despite strong public support for the war in Iraq, "more than four out of five likely voters - 84 percent - say that government agencies should have to follow the same environmental and public health laws as everyone else."

Critics also point out that the Defense Department has a deplorable environmental record.

According to an analysis prepared by Democratic staff members of the House Resources Committee in advance of Tuesday's hearing, 131 Defense Department pollution zones constitute 72 percent of the Superfund National Priority List of the worst contaminated sites in the nation.

The analysis said that under the changes sought by the Defense Department, explosives and unexploded munitions could be removed from regulation under the Solid Waste Disposal Act, and the Clean Air exemptions the military seeks could force "citizens located near military bases to breathe unhealthy air in the name of military readiness."

"Never has a set of legislative proposals had so much audacity and so little merit," charged Rep. John Dingell of Michigan, the senior Democrat on the House Energy and Commerce Committee.